

**US DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

HUMAN RESOURCES MANAGEMENT POLICY

HRM LETTER 610-2

DATE: July 31, 2003

SUBJECT: Interim Policy on Hours of Duty, Including Alternative Work Schedules (AWS) For Non-Screener Employees

1. Purpose

This HRM Letter establishes policies and procedures and assigns responsibilities for scheduling the hours of work, and developing and approving work schedules for non-screener employees.

Alternative Work Schedules (AWS) programs have the potential to enable managers and supervisors to meet their program goals while allowing employees more flexibility in scheduling their personal activities. As employees gain greater control over their time they can balance work and family responsibilities more easily, become involved in volunteer activities and take advantage of educational opportunities. The employee benefits provided by AWS programs also are useful recruitment and retention tools.

2. Coverage

This policy applies to all Transportation Security Administration (TSA) Non-screener Headquarters and Field employees (Non-screener employees). However, members of the Transportation Security Executive Service (TSES) may not participate in AWS.

3. Definitions

Administrative workweek means any period of 7 consecutive 24-hour periods designated in advance.

Alternative work schedules (AWS) means both flexible work schedules and compressed work schedules.

Basic workweek for full-time employees means a 40-hour workweek that does not extend over more than 6 of any 7 consecutive days. For part-time employees it is a set number of hours between 16 and 32 that does not extend beyond 6 consecutive days.

Basic work requirement means the number of hours an employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award. The basic work requirement does not include overtime hours.

Biweekly pay period means the 2-week period for which an employee is scheduled to perform work.

Compressed Work Schedule (CWS):

- a. For a full-time employee, CWS is an 80-hour biweekly basic work requirement scheduled by an agency for fewer than 10 workdays.
- b. For a part-time employee, CWS is a biweekly basic work requirement of fewer than 80 hours (32 to 64 hours) scheduled for fewer than 10 workdays that may require the employee to work more than 8 hours in a day.

- c. Employees working on a compressed schedule will not receive overtime until they exceed 80 hours worked in a pay-period. Management should consider this fact when deciding to approve AWS for part-time employees.

Core hours (for Non-screener employees) means the time periods during which all employees covered by AWS are required to be at work. Generally, the core hours for Non-screener employees are 9:30 a.m. to 3:30 p.m. However, a Federal Security Director (FSD) may establish alternative core hours for Non-screener employees in an airport with the written approval of the Assistant Administrator for Aviation Operations or designee.

Flexible Hours (also referred to as “flexible time bands”) means the times during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from the work site consistent with the duties and requirements of the position.

Flexitour is a flexible work schedule allowing employees to select starting and stopping times within the flexible hours. Flexitour is the only type of flexible work schedule available to Non-screener employees.

Organization means an organization within TSA that is headed by an official with the authority to establish tours of duty (Assistant Administrator/Office Director, or designee).

Regularly scheduled administrative workweek, for a full-time employee, means the period within an administrative workweek, which does not extend over more than 6 of any 7 consecutive days, within which the employee is regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.

Regularly scheduled work means work that is scheduled in advance of the administrative workweek.

Tour of duty means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek. Under a flexible work schedule, tour of duty means the limits set by TSA within which an employee must complete his or her basic work requirement. Under a compressed work schedule or other fixed schedule, tour of duty is synonymous with basic work requirement.

Work unit means an entity located in one place with a specific mission, with homogeneous procedures or technology, and headed by a supervisor or manager authorized to approve time and attendance reports and leave (approving official).

4. Conventional Schedules

a. Establishing the Workweek

- (1) The appropriate Assistant Administrator/Office Director, or designee, shall establish a basic workweek. The Assistant Administrator/Office Director, or designee, must specify the days and hours within the administrative workweek that constitute the basic workweek.
- (2) If the basic workweek contains regular overtime hours, the appropriate Assistant Administrator/Office Director, or designee, must specify by days and hours of each day the periods included in the regularly scheduled administrative workweek that do not constitute a part of the basic workweek.

b. Establishing Work Schedules

- (1) The appropriate Assistant Administrator/Office Director, or designee, shall provide that—
 - (a) Unless doing so would hinder the mission of the organization, assignments to tours of duty are scheduled in advance of the administrative workweek over periods of not less than 1 week;
 - (b) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;
 - (c) The working hours in each day in the basic workweek are the same;
 - (d) The basic non-overtime workday may not exceed 8 hours, unless the employee is on an alternative work schedule;
 - (e) The occurrence of holidays may not affect the designation of the basic workweek; and
 - (f) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday, unless a split shift has been established at a transportation terminal port of duty.
- (2) The appropriate Assistant Administrator/Office Director, or designee, shall schedule the work of his or her employees to accomplish the mission of the organization, and shall schedule an employee's regularly scheduled administrative workweek so that it corresponds with the employee's actual work requirements.
- (3) When the appropriate Assistant Administrator/Office Director, or designee, knows in advance of an administrative workweek that the specific days and/or hours of a day actually required of an employee in that administrative workweek will differ from those required in the current administrative workweek, he or she shall reschedule the employee's regularly scheduled administrative workweek to correspond with those specific days and hours. The employee shall be advised of the change as soon as practicable, and it shall be recorded as a change on the employee's time card.

c. Travel on Official Time

Insofar as practicable, travel during non-duty hours should not be required of an employee. When it is essential that travel be required to be performed during non-duty hours, the employee may not be paid overtime for this period unless the overtime provisions contained in 550-2 and 551-1 are met.

d. Holidays

- (1) The following are legal public holidays:
 - New Year's Day, January 1;
 - Birthday of Martin Luther King, Jr., the third Monday in January;
 - Washington's Birthday, the third Monday in February;
 - Memorial Day, the last Monday in May;

- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day, the second Monday in October;
- Veterans Day, November 11;
- Thanksgiving Day, the fourth Thursday in November; and
- Christmas Day, December 25

(2) For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

- (a) Generally, an employee's holiday is the day designated in paragraph (1) above, whenever the holiday falls during the employee's basic workweek or basic work requirement.
- (b) For an employee scheduled to work 80 hours in a pay period, when a holiday falls on a nonworkday outside an employee's basic workweek, the day to be treated as his or her holiday is determined as follows:
 - For employees whose basic workweek is Monday through Friday, when a holiday falls on a Saturday, the Friday immediately before is a legal holiday for those employees. When the holiday falls on a Sunday, the Monday immediately following is the legal holiday.
 - For employees whose basic workweek is other than Monday through Friday, when a holiday falls on a regularly scheduled non-workday, the workday immediately before that regular non-workday is the holiday.
 - For an employee under a compressed work schedule, the Assistant Administrator/Office Director, or designee, shall select a workday for the holiday that is in the same biweekly pay period as the date of the actual holiday designated in paragraph (1) above, or in the biweekly pay period immediately preceding or following that pay period.
- (c) Part-time employees: When a holiday falls on a non-workday for a part-time employee, he or she is not entitled to compensation for or an in lieu of day for that holiday.

e. Administrative Dismissals

- (1) The authority to approve administrative dismissals may be used by Assistant Administrators/Office Directors, or designees, to the extent warranted by good administration for short periods of time not generally exceeding 3 consecutive workdays in a single period of excused absence. Administrative dismissals are not authorized for situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work.

(2) Administrative dismissal may be appropriate when:

- (a) Normal operations of an organization are interrupted by events beyond the control of management or employees (e.g., severe weather conditions);
- (b) For managerial reasons, the closing of an establishment or portions thereof is required for short periods; or
- (c) It is in the public interest to relieve employees from work to participate in civil activities that TSA is interested in encouraging.

5. Available Alternative Work Schedules (AWS) for Non-Screeners

a. Compressed Work Schedules (CWS)
(See Attachment 1 for additional CWS information)

- (1) CWS means an employee's basic work requirement for each pay period is scheduled for less than 10 workdays.
- (2) CWS is a fixed schedule.
- (3) Overtime and compensatory time can only be earned for hours worked in excess of the scheduled hours of work in accordance with the TSA's premium pay policies as provided in HRM Letters 550-2 and 551-1. Other types of premium pay for employees participating in an AWS program are also governed by the premium pay policies.

b. Flexitour.

Under flexitour, an employee is permitted to select starting and stopping times within the flexible hours for each workday. The flexible hours are 7:00 a.m. to 9:30 a.m. (starting time) and 3:30 p.m. to 7:00 p.m. (stopping time). Once the employee and the appropriate approving official agree on the hours to be worked, they become the employee's regular schedule until revised by subsequent agreement. Daily schedule changes to the starting or stopping times in excess of one half hour must be mutually agreed to in advance by the approving official.

6. Procedures for Establishing Non-Screener AWS Programs

a. Both flexitour and CWS will be available in all organizations unless an Assistant Administrator/Office Director makes a written determination that one or all of the available AWS schedules will adversely impact the organization. Adverse Organization impact means:

- (1) a reduction in the organization's productivity;
- (2) a diminished level of services furnished to the public; or
- (3) an increase in the cost of organizational operations, other than an administrative cost to establish and run the AWS program.

Participation in the AWS program by Non Screeners is strictly voluntary.

b. Individual employee election of an AWS schedule must be approved/disapproved, in writing, by the approving official responsible for ensuring adequate office coverage and determining individual AWS assignments within a work unit. The approving official will endeavor to accommodate employee requests; however, individual employees or groups of employees

may be excluded from participating in an AWS program on a temporary or permanent basis to the extent that their participation would adversely impact TSA's ability to meet its organizational objectives. The approving official must clearly identify the adverse impact in the written disapproval and submit it to the appropriate Assistant Administrator/Office Director for review and concurrence.

- c. Generally, employees may elect to participate in the AWS program only during the official open season, held for two weeks on a biannual basis in June and December. However, employees may be allowed to participate in the AWS Program outside of the open season if they submit a detailed written request. Such requests will be considered on a case-by-case basis. Additionally, there will be a special 30-day open season beginning on the issue date of this policy.

New employees entering on duty at the beginning of the pay period may elect an AWS schedule unless the appropriate reviewing official has determined that AWS is not available for his/her position. Employees who begin in the middle of a pay period must wait until the next full pay period to select an AWS schedule. AWS selections and changes should be made on the attached AWS Selection Form. A change in an existing AWS schedule may be made at anytime, with supervisory approval, e.g., a change in the "compressed day." Employees may also cancel an AWS at any time. The notice of cancellation should be in writing to the supervisor. Cancellation will become effective at the beginning of the pay period following receipt of the written notice.

- d. A CWS election will include declaring which day will be the non-work day (flex day), and the scheduling of workdays between 7:00 a.m. and 7:00 p.m. All scheduling decisions will be made by the supervisor based on organizational needs, employee preferences, and seniority where conflicts occur.

7. Terminating Non-Screener Alternative Work Schedules

If an Assistant Administrator/Office Director, or designee, finds that a particular AWS schedule is having an adverse impact on the organization, he or she shall promptly terminate the AWS schedule with a written explanation to the individual employee or unit impacted.



Richard A. Whitford
Assistant Administrator for
Human Resources

Attachments

Filing Instructions:	File with HRM 610 Letters, Bulletins and Guidance
Distribution:	TSA affiliated HR Offices, TSA Assistant Administrators, Office Directors
POC:	TSAHR/Jan Karicher/(571) 227-2828

Compressed Work Schedules (CWS)

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1. Basic Work Requirement

- a. The basic work requirement (the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award) of a compressed work schedule is the number of hours, excluding overtime hours an employee is required to work or to account for by charging leave.
- b. A full-time employee is required to work 80 hours in a biweekly pay period. This work must be scheduled for fewer than 10 days in a biweekly pay period.
- c. A part-time employee works fewer than 80 hours in a biweekly pay period. This work must be scheduled for fewer than 10 workdays in a biweekly pay period.

2. Tour of Duty

- a. The tour of duty (synonymous with basic work requirement) for employees under a CWS program is defined by a fixed schedule established by the employing office.
- b. Compressed work schedules are arranged to enable employees to fulfill their basic work requirements in fewer than 10 days during the biweekly pay period. (Examples of these schedules may be found in Attachment 2.) Although offices may change or stagger the arrival and departure times of employees, there are no provisions for employee flexibility in reporting or quitting times under a CWS program.

3. Overtime Work

For a full-time employee under a CWS program who is exempt from the Fair Labor Standards Act (FLSA), overtime hours are all officially ordered and approved hours of work in excess of the compressed work schedule. For a full-time employee who is covered by the FLSA (non-exempt), overtime hours also include any hours worked outside the compressed work schedule that are "suffered or permitted." For a part-time employee, overtime hours will not be paid until the employee exceeds 80 hours worked in a pay-period. (See HRM Letters 500-1, 550-2, and 551-1.)

4. Holiday Pay (When No Work Is Performed)

- a. A full-time employee on a CWS who is relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday) by Federal statute or Executive order is

entitled to his or her rate of basic pay for the number of hours of the CWS on that day. For example, if an employee is scheduled to work four 10-hour days a week, the employee is entitled to 10 hours pay for the holiday.

- b. If a holiday falls on a day during a part-time employee's scheduled tour of duty and the employee is relieved or prevented from working on that day, the employee is entitled to his or her rate of basic pay for the number of hours he or she normally would have been scheduled to work that day.

5. Determining "in Lieu of" Holidays when Holidays Fall on Non-workdays

- a. Non-workdays Other than Sunday. Except as provided in subparagraph c and d below, if a holiday falls on a non-workday of the employee, the employee's preceding workday will be the designated "in lieu of" holiday.
- b. Sunday Non-workday. Except as provided in subparagraph c below, if the holiday falls on the Sunday non-workday of an employee, the next workday will be the employee's designated "in lieu of" holiday.
- c. The appropriate Assistant Administrator/Office Director, or designee, may designate a different in lieu of holiday for employees on a CWS if it is determined that a different in lieu of holiday is necessary to prevent an adverse impact on TSA or one of its organizations.
- d. A supervisor may change an employee's schedule (and scheduled days off) for operational reasons. Schedule changes must be documented and communicated to employees as soon as practicable in advance of the start of an administrative workweek.

6. Pay for Holiday Work

A full-time employee under a CWS program who performs non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) is entitled to basic pay plus premium pay equal to his or her rate of basic pay for the work that is not in excess of the employee's compressed work schedule for that day.

7. Temporary Duty

When an employee covered by a CWS program is assigned to a temporary duty station using another work schedule--either traditional or CWS--management may allow the employee to continue to use the schedule used at his or her permanent work site (if suitable) or require the employee to change the schedule to conform to operations at the temporary work site.

8. Travel

- a. When an employee under a CWS program is in a travel status during the hours of his or her regularly scheduled administrative workweek, including regularly scheduled overtime hours, that time is considered to be hours of work and must be used for the purpose of overtime pay calculations.
- b. For employees under a CWS program, "*regularly scheduled administrative workweek*" means the compressed work schedule applicable to an employee and any regularly scheduled overtime work. An organization must also determine the number of corresponding hours for an employee on a non-workday for the purpose of determining hours of work for travel under the FLSA overtime provisions.
- c. An organization may require an employee to follow a traditional fixed schedule (8 hours a day and 40 hours a week) during pay periods he or she travels, or is in training.

FOUR-DAY WORK WEEK	5/4-9 COMPRESSED PLAN
Basic Work Requirement A full-time employee must work 10 hours a day, 40 hours a week, and 80 hours a biweekly pay period. The organization head determines the number of hours a part-time employee must work in a 4-day workweek and the number of hours in a biweekly pay period.	Basic Work Requirement A full-time employee must work eight 9-hour days and one 8-hour day for a total of 80 hours in a biweekly pay period. The agency head determines the number of hours a part-time employee must work in a 9-day biweekly pay period.
Tour of Duty The "tour of duty" is established by the organization head and is limited to four 10-hour days.	Tour of Duty The "tour of duty" is established by the agency and is less than 10 workdays in a biweekly pay period.
Overtime Work Overtime work is work ordered or approved in advance by management and is in excess of the compressed work schedule's basic work requirement.	Overtime Work Overtime work is work ordered or approved in advance by management and is in excess of the compressed work schedule's basic work requirement.

ALTERNATIVE WORK SCHEDULES – SELECTION FORM
(For use by Non-Screeners)

EMPLOYEE NAME: _____

EMPLOYEE SIGNATURE: _____ **DATE:** _____

AVAILABLE OPTIONS:

FLEXITOUR ____ **COMPRESSED WORK SCHEDULE (CWS)** ____

Select one of the following:

1. ____ 5/4/9 (CWS) - A biweekly schedule where the employee works eight 9 ½ hour days, one 8 ½ hour day and has one day off. (Each day includes a 30 minute non-paid meal break.) The approving official determines the number of hours a part-time employee must work in a 9-day biweekly workweek.
2. ____ 4/10 (CWS) – A biweekly schedule where the employee works 10 hours a day, 40 hours a week and 80 hours biweekly. (Each day includes a 30 minute non-paid meal break.) The approving official determines the number of hours a part-time employee must work in a 4-day workweek and biweekly.
3. ____ Flexitour - A schedule where the employee works the normal 8 ½ hour work day, but may select the beginning and end times within the hours of 7:00 a.m. to 9:30 a.m. (starting times) and 3:30 p.m. to 7:00 p.m. (ending times). (Each day includes a 30 minute non-paid meal break.)

Flexitour Schedule: Monday to Friday ____ a.m. to ____ p.m.

(Note: If you wish to select a regular start and stop time that is different from the above for a specific day(s) of the week please indicate that below;)

Monday: ____; Tuesday: ____; Wednesday: ____; Thursday: ____;
Friday: ____.

CWS Schedule:

Monday ____ a.m. to ____ p.m.
Tuesday ____ a.m. to ____ p.m.
Wednesday ____ a.m. to ____ p.m.
Thursday ____ a.m. to ____ p.m.
Friday ____ a.m. to ____ p.m.

Monday ____ a.m. to ____ p.m.
Tuesday ____ a.m. to ____ p.m.
Wednesday ____ a.m. to ____ p.m.
Thursday ____ a.m. to ____ p.m.
Friday ____ a.m. to ____ p.m.

APPROVED: _____ **DATE:** _____
(Forward signed form to timekeeper for coding)

DISAPPROVED: _____ **DATE:** _____
(Attach Written Disapproval Justification and file in office time and attendance folder.)